

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012

Hearing opened at 6:15 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present. Councillor Freda arrived late.

Present at the hearing was Rick Healey of Foster Healey Real Estate and representing the owners of the property.

This hearing is continued from October 22, 2012.

The following PETITION was the subject of the hearing:

14-13 James J. Carnivale, Trustee Carnivale Realty Trust: Rezone Parcel 240-4 and 240-3 located at 404 Main Street from Residence B to Commercial.

Councillor Chalifoux Zephir asked Mr. Healey if he heard from any more of the neighbors.

Mr. Healey said no, he did not.

Mr. Healey said the property is unique and is an island that is surrounded by very busy streets on two sides and an industrial use on another side with wetlands in the back. The property has been used for business purposes for the last twenty years. The current zoning would not allow anything besides a residential use or a continuation of the same business use that exists today. It would not allow the replacement of this building for a business use. He said the best use would be a business use.

Mr. Healey said he has heard discussion from the neighbors and the abutters and understands their concerns; one with the unknown and concerns of traffic. He wants to point out that any commercial use of this property with site plan review and the size of this piece of land will not allow any substantial intense use. He reminded the Council that the client that he represents would likely make an investment to this property of \$750,000 - \$800,000. This would be a big improvement to one of the entrances to the City. He said at their highest expectation they would not add any more than one half to one percent to the total traffic count. There is 9,700 cars a day going by the front of this property. They feel that this use would be good for the property, an asset for the City and bring a business to the City that needs a place to go.

Councillor Rowlands said he threw it out there going from a Residence B to a Business B and got confirmation back that it would start the process all over including a recommendation from the Planning Board and re-advertising the hearing. He said the difference between commercial and business doesn't show any benefit. He said we did get a recommendation back from DPW asking to take a look at the sliver of land that is next door for potentially rezoning also. He said it was discussed at the committee meeting and the recommendation from the President's Zoning Committee was to leave it as a Residence B area and therefore won't be a consideration for development.

Councillor Rowlands said his concern is with the impact on existing traffic. He recommended moving the driveway away from the intersection for more ease. He said you're talking fifteen cars for parking including employees. He asked if the cars or this business would be in and out.

Mr. Healey said it would not be in and out. He said what he did not hear from the neighbors was that the existing business use that is there was a problem which was a very busy real estate office with cars coming and going. I don't know if it was ever considered a concern. He doesn't believe their use or any reasonable use on this property would have that kind of traffic that would cause backups.

Julie Munsterman of 1 Montana Court spoke in opposition. She said she is afraid a zoning change will continue going down the street.

HEARING ADJOURNED AT 6:25 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012

Hearing opened at 6:30 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present.

Present at the hearing was Dan McCarty, McCarty Associates.

The following PETITION was the subject of the hearing:

22-13 David Tickle for CAMCO: Amend the storage license for storage of inflammable fluids for the property located at 163 Pioneer Drive.

Councillor Rowlands read the recommendations from the Fire Department and the temporary Building Inspector which are on file in the City Clerk's office.

Councillor Rowlands said the five conditions referenced by the Fire Department are listed on the license and recommends that they continue. The conditions are as follows: 1) This license is granted for the manufacturing and storage of windshield wiper

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012, continued

fluid and recreational vehicle antifreeze solution. 2) The flammable and combustible liquids involved in the process shall be handled and stored in strict conformance with the National Fire Protection Association standards NFPA 30 and the requirements put forth in a narrative of the fire protection of engineer of record. 3) Fire protection system equipment at the site shall be maintained and continuous active service at all times. 4) Adequate materials shall be maintained at the site for the employees to deal with leaks and spills if they occur. The Leominster Fire Department shall be notified without delay upon a leak or spill of flammable combustible or toxic materials. 5) Site specific training shall be provided for all platoons of the Leominster Fire Department on a minimum of semi annual basis.

Mr. McCarty said he has worked on this property since it was originally constructed in the 1980's. He said this is a continued upgrade of this facility. The storage of the material outside would be in double walled container with monitoring devices in accordance with the new tank storage regulations. He said there is an Order of Conditions for this site from the Conservation Commission and Patrick McCarty met with the Conservation Agent and reviewed the Orders of Conditions and her requirements are shown on the reduced scale site plan. The plan shows they are improving the silt fence, haybales and retaining walls adjacent to the wetland. They are doing some paving, making improvements to the compactor for storage of rubbish and material for recycling and cleaning up the site as a whole. He said as part of this process the tanks will be changed from soft piping hose and rubber connections to hard piped from pump the tanks directly into the building and will be monitored with automatic shutoffs. He said any tank in excess of 10,000 gallons storing anything other than water now requires the State Fire Marshall review. Mr. McCarty recommends that this change re-iterates the items that were read for conditions. Even though the conditions were mentioned in the previous license it is better mentioned in the most recent one. He said there is no change in volume only to conform with regulations.

Councillor Rowlands asked if they use the railroad.

Mr. McCarty said railroad is the source of bringing in their raw materials but they ship out by truck.

Councillor Lanciani disclosed that he has knows Mr. McCarty for many years.

Councillor Marchand said he is in support and asked Mr. McCarty to share the safety performance of the plant.

Mr. McCarty said he has been with them for nine years and anything they have asked them to do, they have done. Inside the building they have constructed retaining areas around the manufacturing line which were requested by Deputy Chief Ashton. They were not required at that time.

Councillor Marchand asked from a corporate policy point of view do they sometimes exceed the safety standard or just meet them?

Mr. McCarty said their training and their requirements of their employees exceed their requirements based on the appearance of the facilities, not just based on their verbal statements. This is what he has seen walking through the facility.

Councillor Chalifoux Zephir said there is no net change, correct?

Mr. McCarty said yes.

Councillor Salvatelli said before you come to the Council did you have to get the okay from the Fire Chief?

Mr. McCarty said yes, and the Chief had to sign the application or he couldn't appear before you. All the procedural work is done.

No one in the audience spoke in favor or in opposition of this petition.

HEARING ADJOURNED AT 6:45 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012

Hearing opened at 6:45 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

Present at the hearing was Attorney Douglas Reynolds, Kenneth and Dennis Vachon.

The following PETITION was the subject of the hearing:

17-13 Kenneth Vachon: Grant a Special Permit to expand the existing 9 hole golf course to 18 holes located at 449 Wachusett Street as shown on Assessor's Map 388, as Lot 1 and located in the Water Supply Protection District.

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012, continued

Introduced and made part of the record were the following:

- A. Petition #17-13 submitted by Kenneth Vachon, 449 Wachusett Street, Leominster, MA, with accompanying plan entitled "Grand View Country Club, Leominster Massachusetts" prepared by Mungeam Cornish Golf Design, 195 SW Main Street, Douglas, MA 01516 and "Plan Of Wetland Locations prepared for "Vachon Realty Trust" dated January 2012 and prepared by James E. Gaffney Co., Professional Land Surveyor #29866, 55 St. Jean Street, Leominster, MA. Also accompanied with an Abutter's List and Abutter's Map.
- B. Notice of public hearing published in the Sentinel & Enterprise on October 29, 2012 and November 11, 2012.
- C. Letters of recommendation were received from the Director of Inspections, the Conservation Commission, the Health Director and the Department of Public Works
- D. The Planning Board determined the applicant will need to apply for a Special Permit through the Planning Board. They will submit a recommendation after they have their own hearing.

Councillor Rowlands read the recommendations from the temporary Building Inspector, the Conservation Commission, the Health Director and the Department of Public Works. He said the applicant has to apply for a Special Permit with the Planning Board. The Planning Board is waiting to have their hearing before making a recommendation.

Councillor Rowlands said the City Council is in the process of rewriting the City Zoning Ordinance and they have a final draft that will be advertised by the Planning Department on November 20, 2012. The Planning Board will have a hearing on December 4, 2012 on the final draft. He said it is his understanding that once that advertisement of the final draft is put in place we are in a gray area in that if that zoning were to eventually pass then it would become retro-active to the hearing of November 20, 2012. If the new zoning was denied we would default back to the old zoning. If it was passed on November 20, 2012 that law would come into effect. There is very little difference relative to the applicant's petition in the new zoning vs. to the existing zoning. One of the differences is currently you can't have any more than 15% being impervious surface and under the proposed zoning that would allow you to expand that 15% with a Special Permit. He said there is still a requirement for Special Permit in the new zoning to come before us.

Attorney Reynolds said in 2005 the Vachon's were given a Special Award by the Leominster Land Trust because they gave 148 acres to the Mass. Audubon Society. He said they are good stewards of this land. They decided they were going to close the first 9 holes of the golf course and give it back to nature. He said there is a conservation easement over the original 9 holes of the Grandview Golf Club. The plan was to sell off parcels, and they wanted to sell this parcel to another conservation entity. Since then, Economic downturn happened and to maintain their livelihood they restarted the golf course back nine. Golfers want 18 holes and that is what brings us to this plan to add another 9 holes to the existing 9 holes and create, once again, an 18 hole golf course.

Dennis Vachon said they hired golf course architect Mungeam Cornish Golf Design. He said they stayed away from the wetlands. Two of the roughs on two of the fairways are a little bit in the 100 foot buffer. There will be no filling in of wetlands. The course was designed to go around the wetlands. They stayed 400 feet away from the reservoir, the buffer the State put in.

Councillor Rowlands disclosed he plays golf and has played at Grandview.

Councillor Rowlands said golf courses are notorious for the amount of chemicals they use for herbicides and pesticides. He said there is a strong regulation regarding development in watershed. You know, you have to go in front of the Planning Board for a Special Permit and in front of Conservation. He said this is going to be a lengthy process and an educational process as well.

Councillor Rowlands said there are things that need to be listed on the site plan that are not there. He asked what the hut was on the plan.

Mr. Vachon said it's a half way house which is a snack bar.

Councillor Rowlands asked if the cart path will be asphalt.

Mr. Vachon said yes.

James McKnight of 1187 Elm Street is in favor of the project. He said recently there was a similar petition to develop this property for residential use but withdrawn before there were any hearings. He asked if this nine holes goes through would that preclude the use of this property for residential development.

Mr. Vachone said no houses.

Councillor Rowlands said as far as the law goes there is a provision in the City's zoning ordinance that allows for housing development. Legally they would have to come back to the City Council and petition the Council for approval for a subdivision. Currently, the laws requires three acre per lot, per house.

Justin Gelinas of 1157 Elm Street said he would like to see visually how this will be layed out on the existing land. He would like to see more detail as he lives directly across from the Vachon land.

Kevin Kelley 1194 Elm Street said he is the closet abutter approximately 600 feet outside his back deck. He said he is a single Dad and has young children. There is going to be a green in that area. When he bought the property in 2007 there was conservation land behind me, a reservoir far off to the left, now I'm going to have "hootin' and hollerin" during morning coffee.

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012, continued

It is going to cause a definite disruption in the area. He is worried about house values and how things are going to affect their life styles. He said he has not been approached by the Vachons or their attorney. Mr. Kelley said hole 8 is going to be a water hole with a pond which will increase insects. He said he is opposed.

Jennifer McGee 1206 Elm Street says she needs more information. She is concerned about the wetlands behind their home, their wells, process of fertilizing and the runoff. She said she is downhill from the golf course. She has concerns regarding clear cutting, how will it affect the water tables, and will there be flooding?

Lori Mack 1294 Elm Street said they are down hill and they have a wet basement already. They have small children and dogs and this project is going to abut her property. This project will push hunters that use the property behind my house closer to my house. We bought the house knowing there was conservation land. That is the reason we bought the house, we enjoy that type of environment and that is where we wanted to live. If something happens to our water are they going to take care of it if they are at fault for changing the water table? It's not only the abutters affected by this, it is the whole neighborhood. It should be the entire neighborhood that should be receiving these letters because they are also going to be affected.

Councillor Rowlands said there are a list of requirements under section 41.6.2 of the Zoning Ordinance that have to be shown as part of the Site Plan and part of the Special Permit A few of these requirements are; 1) A complete list of chemicals, pesticides, fuels and other hazardous materials to be used or stored on the premise in quantities greater than those associated with a normal household use. 2) Those businesses using or storing such hazardous material shall file a Definitive Operating Plan. 3) The location of wetlands, drainage patterns, existing wetland areas exceeding slopes of 15%, areas to be disturbed by construction, areas where the earth and other materials are subject to erosion will be temporarily stockpiled.

Councillor Freda said the concerns about the watershed and the chemicals will be clearly addressed at the Conservation Commission meeting.

Councillor Salvatelli, the Ward Councillor for that area, said he would like to see an aerial map, if possible, showing these houses and the golf course to get a better perspective of the golf course layout and where the impact will be.

Councillor Rowlands said we have GIS and Google that we can get a map instead of renting an airplane.

Councillor Marchand asked if the architect has addressed any of the questions regarding runoff, wells becoming contaminated, basements getting flooded.

Mr. Vachon said it is in the process.

Councillor Marchand asked Mr. Vachon if he felt confident that some of the concerns will be mitigated through the engineering on the course regarding the well becoming contaminated and basements getting flooded.

Mr Vachon said the course will take about 50 acres and they have 140 acres so they will fit it in.

Councillor Marchand asked if they had to rearrange the course if it was an option.

Mr. Vachon said sure. He said they have steered everything around the wetlands and only a little in the buffers. They are pretty close to what they want. He said by Massachusetts law they are allowed to withdraw from the ground 100,000 gallons of water per day for irrigation.

Councillor Marchand asked Mr. Vachon if they owned the land right up to the abutter's property that are here tonight?

Mr. Vachon said yes.

Councillor Marchand asked when it comes to the hunting issue, you are allowing hunters to hunt on your property?

Mr. Vachon said signs get ripped down but will be enforced when the golf course goes in.

Councillor Marchand said the neighborhood meeting is a good idea. This is a project that is going to change the face of the whole area. He said a Memorandum of Understanding" between the Vachons and the neighbors is a good idea.

Councillor Marchand asked what they were going to use for the cart paths.

Mr. Vachon said whatever they want them to use on the paths, they will bend.

Councillor Marchand said he encourage them to push the limit as far as they possibly can to make sure the neighborhood and the watershed is protected.

Councillor Rowlands said the watershed protection is under the jurisdiction of a Special Permit from the City Council. The outdoor recreation is under the jurisdiction of a Special Permit from the Planning Board. Some areas you are within 100 feet of the wetlands which is the jurisdiction of the Conservation Commission. He said the hearing will be pushed out in time to allow the Conservation Commission and the Planning Board to hold their hearings so that we may receive recommendation from them.

It was requested that the petitioner supply the City Council copies of all documents that are sent to the Conservation Commission and the Planning Board.

HEARING ADJOURNED AT 7:33 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, NOVEMBER 13, 2012

Hearing opened at 7:34 P.M. with Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE presiding.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, Section 77 of the Revised Ordinances entitled "Stop Signs" by inserting "Lido Avenue against eastbound drivers at Seventh Street." (Legal Affairs - Petition 13-13)

No one in the audience spoke in favor or in opposition to this Ordinance.

No Councillors spoke.

HEARING ADJOURNED AT 7:35 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2012

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present.

The Committee on Records reported that the records through October 22, 2012 were examined and found to be in order. The records were accepted.

A recess was called at 7:32 P.M. to continue the public hearing and to hold a public forum.

The meeting reconvened at 7:38 P.M.

The following COMMUNICATION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer.

C-22 Dean J. Mazzarella, Mayor: Request that the Class of 1942 Scholarship Trust Fund be established.

The following PETITIONS were received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Wire Inspector and the Department of Public Works.

23-13 National Grid and Verizon New England Inc.: Albert Drive – Relocate pole 45-1 across street, which will become 44-1 and replace pole 47-1 which will become pole 44-3. (A hearing was set for November 26, 2012 at 6:30 P.M.) Vt. 9/0

24-13 National Grid and Verizon New England Inc.: Merriam Avenue - Install one jointly owned pole beginning at a point approximately 340 feet north of the centerline of the intersection of the George W Stanton Highway/ Concord Turnpike. . (A hearing was set for November 26, 2012 at 6:35 P.M.) Vt. 9/0

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

25-13 David Rowlands: Modify the City of Leominster Ordinance relative to appointments by amending Article VI, Section 2-25, Article VII, Section 2-28 and Article VIII, Section 2-28

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE and given REGULAR COURSE.

26-13 Dean J. Mazzarella: Accept a gift of two 25 foot white fiberglass flagpoles and twenty-one 3 ft. x 5 ft. U.S. flags valued in the amount of \$2,396.00.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

27-13 David Rowlands: Request the City Council utilize the powers vested in them per Section 5.1 of the Leominster Home Rule Charter to reorganize the Personnel and Labor Services.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2012, continued

The following APPOINTMENTS were received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Recreation Commission – Richard Greene - term to expire April 15, 2015

Office of Emergency Management – Laura Case and Felicia Santiago

Councillor Robert Salvatelli, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$12,527,648.33
Emergency Reserved Account	\$ 77,000.00

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”. A hearing is set for November 26, 2012 at 6:45 P.M.

C-15 Relative to determining the factor to be used in setting the Fiscal Year 2013 tax rate.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW. Vt. 9/0

3-13 David Rowlands: Amend Article VI, Section 2-25, Article VII Section 2-28, Article VIII, Section 2-28 and all similar sections in the city ordinances relative to Mayoral Appointments to add “Said term may be extended indefinitely by the mayor at his/her discretion without vote of the City Council.”

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

9-13 John Scribner, Lisciotti Development: Accept the deed from Massapoag Development, LLC which grants to the City of Leominster land titled “Open Space Parcel D” containing approximately 4.96 acres as per condition 12 of the Planning Board Subdivision Approval.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE to GRANT, the PETITION was DENIED. Vt. 3 “yeas” and 6 “nays; Councillors Freda, Chalifoux-Zephir, Nickel, Cormier, Salvatelli and Marchand opposed.

14-13 James J. Carnivale, Trustee Carnivale Realty Trust: Rezone Parcel 240-4 and 240-3 located at 404 Main Street from Residence B to Commercial.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 9/0. The hearing will be continued on January 28, 2013 at 6:30 P.M.

17-13 Kenneth Vachon: Grant a Special Permit to expand the existing 9 hole golf course to 18 holes located at 449 Wachusett Street as shown on Assessor’s Map 388, as Lot 1 and located in the Water Supply Protection District.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

22-13 David Tickle for CAMCO: Amend the storage license for storage of inflammable fluids for the property located at 163 Pioneer Drive.

Upon recommendations of the WAYS & MEANS COMMITTEE, the following COMMUNICATIONS were GRANTED. Vt. 9/0

C-20 Dean J. Mazzaella, Mayor: Request the City Council pass a resolution to require the Council to follow the Rules of Procedures dated 2012 “Ways and Means and Post Audit Committee.”

C-21 Dean J. Mazzaella, Mayor; Request the City Council pass a resolution calling attention to Section 5.6 of the City Charter “Meetings with the City Council.”

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RESOLUTIONS were ADOPTED. Vt. 9 “yeas”

RESOLUTION REGARDING
MEETINGS WITH THE WAYS AND MEANS COMMITTEE

WHEREAS; it is required that the City Council follow the Rules of Procedures dated 2012 “Ways and Means and Post Audit Committee.”

WHEREAS; The Ways and Means Committee shall meet with the Mayor, when necessary, in order to keep the City Council and Executive Office in constant communication.

BE IT RESOLVED, that the City Council follow the Rules of Procedures dated 2012 keeping the City Council and Executive Office in constant communication by meeting when necessary, with the Mayor and the Ways and Means Committee.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2012, continued

Adopted by the Leominster City Council
 November 13, 2012
 /s/ Lynn A. Bouchard, City Clerk
 On behalf of the City Council

/s/ Dean J. Mazarella, Mayor

RESOLUTION REGARDING
MEETINGS WITH THE COUNCIL

Whereas Section 5.6 of the City Charter, "Meetings with the City Council"; the City Council shall, at least once during each two year term, hold a joint meeting with each multiple member body of the City.

WHEREAS; the purpose of the meeting is to share information and concerns.

WHEREAS; this section of the charter requires a joint meeting and not to be confused with the Board or Commission appearing before the City Council.

BE IT RESOLVED, that the City Council, at least once during each two year term, hold a joint meeting with each multiple member today of the City per Section 5.6 of the City Charter.

Adopted by the Leominster City Council
 November 13, 2012
 /s/ Lynn A. Bouchard, City Clerk
 On behalf of the City Council

/s/ Dean J. Mazarella, Mayor

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

City of Leominster

In the year two thousand and twelve

AN ORDINANCE

Amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic."

Be it ordained by the City Council of the City of Leominster, as follows:

Section 13-77 of the Revised Ordinances entitled "Stop Signs" is hereby amended by inserting "Lido Avenue, against eastbound drivers at Seventh Street."

Under Old Business, Councillor Rowlands gave an update on the issuance of Special Permit #2 of 2012 to Manoel Loka Leite for the property located at 909 Elm Street. He said the Council was questioned about potential changes to the Special Permit conditions that were issued. He said they have received letters quantifying there are changes that do exist from the Building Inspector and the Health Inspector regarding the size of the home, which is substantially larger than what is shown on the Special Permit and other angles. There is a second well which is within 23 ½ feet from the abutters property. He said there was a letter sent out from the City Clerk's office to the recipient of the Special Permit stating there are differences in the approved plan that will require him to come back and ask for an amendment and failure to comply in a timely fashion could result in the revocation of the Special Permit. Councillor Rowlands said he spoke with the Assistant Building Inspector and was assured there will be no Certificate of Occupancy issued for that property until the Special Permit amendment process is followed. Councillor Rowlands said he spoke with the attorney representing the recipient of the Special Permit and told him we have in writing two letters and a clear indication the need to come before this body and in a timely manner. He said he was told they were going to provide updated plans and apply for the amendment any day now. Councillor Rowlands wants this item on the next agenda and expects to have by the next meeting a petition for an amendment for the Special Permit.

Councillor Freda asked if they are requesting an amendment to the Special Permit or revised Special Permit.

Councillor Rowlands said it has been identified by the City officials that there have been changes to the Special Permit issued by the Council. Therefore, because of the changes they have to come before the City Council and ask for an amendment to amend the original Special Permit that was issued by the Council.

Councillor Freda said she doesn't understand why they don't have to apply for a new one. She said you're not talking changes your talking 1,100 square feet difference in that property.

REGULAR MEETING OF THE CITY COUNCIL, NOVEMBER 13, 2012, continued

Councillor Rowlands said the amendment is the exact same process as applying for new one. It will have to be re-advertised and a new hearing. We wouldn't be issuing a new Special Permit but an amendment to the current Special Permit. It is basically starting the process all over again. He said the house on the plan was sixty feet, now it is one hundred three feet. This is not insignificant change.

Councillor Marchand asked for clarification. He was not in attendance to vote on the first Special Permit. Will he be allowed to vote on the amendment?

Councillor Rowlands asked that the city solicitor be contacted for clarification of the vote regarding attendance since it was a 7/0 vote.

Councillor Chalifoux Zephir reminded the Councillors there was a Public Service Meeting on November 15, 2012 at 6:00 P.M. This is a follow up discussion on unaccepted streets with the Planning Director and the Planning Board Chairman.

Councillor Marchand said he received a call regarding the aggressive solicitation that some of the cable companies are doing in the neighborhoods. It was not about professionalism or in-appropriateness. They are banging on doors all day long. This is not the first call he received. He said you don't know if it is for break-in purposes.

Councillor Dombrowski said he will make an inquiry to the Police Department.

Councillor Nickel said he stopped by the Emergency Management Building and when he walked in there was water dripping into buckets. He noticed there are leaks where the new roof was installed. He said in the dining room, tables are getting soaked when it rains as this section is under the roof that has not been replaced yet. He said he will check in with the Mayor's office to see what is going on.

Councillor Lanciani said the Emergency Management truck has been restored. He said he was amazed when he saw it. It is up and ready to go.

Under New Business, a committee meeting for Ways & Means was scheduled for November 20, 2012 at 7:15 P.M.

Upon request of the WAYS AND MEANS COMMITTEE, the following RESOLUTIONS were given FURTHER TIME. 9/0

RESOLUTION: Regarding Mayor's failure to abide by the Charter concerning the request for Mayor to appear before City Council

RESOLUTION: Regarding Mayor's failure to abide by the Charter concerning the proper appointment and removal of city officers

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the tabled and placed on the calendar for action. It was so voted. Vt. 9/0. Committee reports as follows:

C-68 (2011) Dean J. Mazarella, Mayor: Adopt the proposed changes to the Leominster Zoning Ordinance. GIVEN FURTHER TIME. Vt. 9/0.

MEETING ADJOURNED AT 9:12 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council